

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0559-01
Bill No.: HB 211
Subject: Environmental Protection; Consumer Protection
Type: Original
Date: February 8, 2011

Bill Summary: This legislation prohibits the Department of Health and Senior Services from enforcing or enacting rules or regulations relating to lead abatement that are stricter than those required by federal law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	(\$24,663)	(\$24,663)	(\$24,663)
Total Estimated Net Effect on General Revenue Fund	(\$24,663)	(\$24,663)	(\$24,663)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Missouri Public Health Services Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

*Income and cost would net to \$0.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 701.321:

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Health and Senior Services (DHSS)** states the Department has a few licensing fees that are higher than the federal licensing fees. An analysis was conducted to identify fees that would be eliminated or reduced upon passage of the proposed legislation. The last three years of licenses issued was used to determine the estimate for loss of revenue.

<u>Federal Fiscal Year</u>	<u>State Revenue under Existing Fees Affected</u>	<u>Estimated Revenue for Fees Affected Under Proposed Legislation</u>	<u>Difference</u>
2008	\$29,075	\$4,960	(\$24,115)
2009	\$32,125	\$5,580	(\$26,545)
2010	\$28,850	\$5,520	(\$23,330)
Average	\$30,017	\$5,353	(\$24,663)

ASSUMPTION (continued)

The proposed legislation would reduce the restrictions related to lead abatement, however DHSS would still be required to enforce the EPA standards. Passage of this legislation will result in an average loss of \$24,663 in revenue to the Missouri Public Health Services Fund. This revenue would be used to provide partial funding for an Environmental Public Health Specialist who would oversee the lead abatement activities, including conducting training, investigations, and inspections of lead abatement project sites. Funding for this position would continue to be needed if the legislation passed. DHSS does not have sufficient General Revenue to continue funding this existing position, therefore additional General Revenue would be needed to ensure compliance with EPA standards.

Officials from the **Department of Public Safety** have not responded to Oversight's request for fiscal information.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE FUND			
<u>Costs - Department of Health and Senior Services</u>			
Transfer to MPHS Fund	<u>(\$24,663)</u>	<u>(\$24,663)</u>	<u>(\$24,663)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$24,663)</u>	<u>(\$24,663)</u>	<u>(\$24,663)</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2012 (10 Mo.)	FY 2013	FY 2014
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**MISSOURI PUBLIC HEALTH
SERVICES FUND**

Income - Department of Health and
Senior Services

Transfer from General Revenue	<u>\$24,663</u>	<u>\$24,663</u>	<u>\$24,663</u>
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Loss - Department of Health and Senior
Services

Fee Revenue	<u>(\$24,663)</u>	<u>(\$24,663)</u>	<u>(\$24,663)</u>
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**ESTIMATED NET EFFECT ON
MISSOURI PUBLIC HEALTH
SERVICES FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Section 701.321:

The Department of Health and Senior Services assumes some of the Departments current licensing fees will be reduced.

FISCAL DESCRIPTION

Section 701.321:

This legislation prohibits the Department of Health and Senior Services from enforcing or enacting any rule or regulation relating to lead abatement that is stricter than those required by federal law.

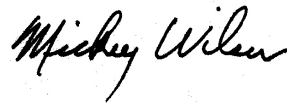
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SEC:LR:OD (12/02)

SOURCES OF INFORMATION

Office of the Attorney General
Department of Health and Senior Services
Office of the Secretary of State

Not Responding: Department of Public Safety

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Mickey Wilson, CPA
Director
February 8, 2011